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10/670,995	09/23/2003	Safaa H. Hashim	021756-060140US	4520

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EXAMINER
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SEREBOFF, NEAL

ART UNIT	PAPER NUMBER
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3626

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,995	<b>Applicant(s)</b> HASHIM, SAFAA H.	
	<b>Examiner</b> NEAL R. SEREBOFF	<b>Art Unit</b> 3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-7 and 9-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 9-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/2008 has been entered.

### ***Response to Amendment***

2. In the Amendment dated 12/10/2008, the following has occurred: Claims 4, 7, 13, 18, 20 and 30 have been amended; Claim 8 has been canceled.

3. Claims 1 – 3 have been previously canceled; Claims 4 – 7 and 9 – 31 are pending.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 – 7 and 9 – 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Within independent claim 4 and dependent claims 7, 9, 13 and 15, the process of the invention appears to be defined through the use of structural components. These structural components make it unclear which statutory class the Applicant intended. Dependent claims 5, 6, 10 – 12, 14 and 16 – 19 are rejected for the same reason as claim 4. Additionally, the question arises as to how much these defined structural components

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affect the method. A component that does not affect the method is given little patentable weight (135 USPQ 31 BPAI 1961 ex part Pfeiffer).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. ***Claims 4 – 7 and 9 – 31*** are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention, ZeBU Corporation software, herein referred to as ZeBU.

8. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: How the ZeBU product, converted later to IIT, is different than the claimed. As the rejection regards the usage of the invention and not the publication, relevant materials includes both published and non-published information describing the methods and systems that executed the ZeBU product.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

9. As per claim 4, ZeBU teaches a method for facilitating communication among at least one participant in an insurance-underwriting process, the method comprising:

- Providing a web-based system for storing and organizing a plurality of data related to the insurance-underwriting process (The ZeBU HUB solution, as evidenced by ZeBU SEC filing, pages 51 and 52 tables),

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- The web-based system adapted to allow collaboration among the at least one participant via the Internet (ZeBU Solutions – AIMSuite Overview or AIM QuickApp where applications are sent to other users),
  - The web-based system comprising a first module for creating a case (AIM DMS) and a second module for tracking the case among the at least one participant after the case has been submitted to a carrier for consideration (AIM QuickView);
- Sharing, via the web-based system, the plurality of data among the at least one participant (ZeBU Solutions – AIMSuite Overview);
- Wherein the web-based system comprises a multi-layer, modular architecture, the multi-layer modular architecture including a plurality of applications, each application in the plurality of applications including a plurality of modules and employing a desktop visual metaphor for accessing the plurality of modules (ZeBU Solutions – AIMSuite Overview. The Examiner notes that this structural component is not used within the method and therefore has no patentable weight. If the Applicant argues that this does have a functionality within the method, although not currently applicable, the Examiner notes the Applicant's previous companies SEC filing, page 90, components of AIM suite.); and
- Wherein the at least one participant comprises at least one user (ZeBU Solutions – AIMSuite Overview), and the web-based system is adapted to restrict the plurality of data accessible to the at least one user based on a plurality of attributes of the at least one user (System Administration).

10. As per claim 5, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein the at least one participant is selected from the group consisting of:

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- Insurance carriers,
- Insurance agencies,
- Insurance agents (The ZeBU HUB solution), and
- Service providers.

11. As per claim 6, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein the at least one user is selected from the group consisting of: agents and case managers (The ZeBU HUB solution).

As per claim 7, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein each module of the plurality of modules comprises a plurality of tools, and wherein each tool of the plurality of tools comprises a plurality of views (ZeBU Solutions, AIM QuickView, AIM GA, AIM DMS, AIM ITS and AIM HO).

12. As per claim 9, ZeBU teaches the method of claim 7 as described above. ZeBU further teaches the method wherein the plurality of modules are adapted to allow the plurality of applications to be scalable (The Examiner notes that no positive method step occurs and therefore has no patentable weight. Rather, the claim creates the option of something being performed. It is equally likely that nothing is ever performed. The Applicant has described the potential functionality of the modules, not the action of the method.).

13. As per claim 10, ZeBU teaches the method of claim 9 as described above. ZeBU, as understood, further teaches the method wherein the plurality of modules are purchased incrementally (Select Tech Posts Record 171% Growth in AIM QuickView. In addition, the ZeBU system had the incremental purchase functionality built within the software as evidenced by ZeBULLETIN, April 2001, “ZeBU GA Power-User Saves Time and Money”).

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14. As per claim 11, ZeBU teaches the method of claim 7 as described above. ZeBU further teaches the method wherein the plurality of modules comprises:

- A user profile module (Contact Management System or ZeBU AIM GA);
- A general administration module (System Administration); and
- A business module (ZeBU AIM QuickView).

15. As per claim 12, ZeBU teaches the method of claim 7 as described above. ZeBU further teaches the method wherein the plurality of tools comprises at least one generic tool (AIM GA, reporting functions) and at least one entity-specific tool (Contact Management System).

16. As per claim 13, ZeBU teaches the method of claim 12 as described above. ZeBU further teaches the method wherein the at least one generic tool is adapted to exist in a plurality of modules, and wherein the at least one generic tool is adapted to function in a substantially similar manner in each of the plurality of modules (ZeBU QuickView as evidenced by the ZeBulletin, November 2000, “ZeBU Delivers Web QuickView as Promised”).

17. As per claim 14, ZeBU teaches the method of claim 7 as described above. ZeBU further teaches the method wherein the plurality of views comprises (The Examiner notes that all views represent non-functional descriptive information and therefore have no patentable weight):

- A summary view;
- A list view; and
- A detail view (AIM QuickView).

18. As per claim 15, ZeBU teaches the method of claim 7 as described above. ZeBU further teaches the method wherein the multi-layer, modular architecture is adapted to allow

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development of new applications, modules, tools, or views (News & Events where future news is anticipated).

19. As per claim 16, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein the plurality of attributes of the at least one user comprises (The Examiner notes that the plurality of attributes represents the Non-Functional descriptive information regarding a user of the method and not data performed by the method.):

- The at least one user's role in the insurance underwriting process (AIM Home Office);
- The at least one user's identity (AIM GA); and
- A context in which the at least one user seeks access to the plurality of data (AIM GA).

20. As per claim 17, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein the step of sharing the plurality of data further comprises encrypting the plurality of data using a secure encryption technology (Financial Institution Specific Information).

21. As per claim 18, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method, as understood, wherein the web-based system is deployed on a portal hosted by a hosting service provider (WEB QuickView, where it is inherent in a published web page that it is hosted by some level of service provider).

22. As per claim 19, ZeBU teaches the method of claim 4 as described above. ZeBU further teaches the method wherein the web-based system is deployed on a framework for a plurality of applications (AIM Direct Marketing System, deployable on Microsoft Windows).

23. As per claim 20, ZeBU teaches a system for facilitating communication among participants in an insurance-underwriting process, the system comprising:



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- At least one database adapted to store a plurality of data related to the insurance-underwriting process (ZeBU software, as evidenced by ZeBu SEC filing and ZeBU 08-2002 description);
- At least one server coupled to the at least one database, the at least one server adapted to host a web-based system for allowing collaboration among the participants via the Internet (ZeBU software, as evidenced by ZeBu SEC filing);
- At least one client coupled to the at least one server, the at least one client adapted to allow access to the web-based system (ZeBU software, as evidenced by ZeBULLETIN, April 2001, “ZeBU Introduces ZeBU NET);
- Wherein the web-based system comprises a multi-layer, modular architecture, the multi-layer modular architecture including a plurality of applications, each application in the plurality of applications including a plurality of modules and employing a desktop visual metaphor for accessing the plurality of modules (ZeBU Solutions – AIMSuite Overview, SEC filing, page 90, components of AIM suite. The Examiner notes that the web-based system, as claimed, may include modules that are web based and those that are not web based and still anticipate this limitation. The Applications may or may not be web based and only require a visual metaphor for use.); and
- Wherein the participants comprise at least one user, and the web-based system is adapted to restrict the plurality of data accessible to the at least one user based on a plurality of attributes of the at least one user (ZeBU Software, Secure Internet access to application status, policy data, agent and company data).

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24. As per claim 21, ZeBU teaches the system of claim 20 as described above. ZeBU further teaches the system wherein the plurality of data comprises data related to an insurance client (The ZeBU HUB solution. The Examiner notes that the particular data is considered non-functional descriptive information and therefore has no patentable weight).

25. As per claim 22, ZeBU teaches the system of claim 20 as described above. ZeBU further teaches the system wherein the plurality of data comprises data related to an insurance case or policy (The ZeBU HUB solution. The Examiner notes that the particular data is considered non-functional descriptive information and therefore has no patentable weight).

26. As per claim 23, ZeBU teaches the system of claim 20 as described above. ZeBU further teaches the system further comprising:

- A data-translation engine (ZeBU software, as evidenced by ZeBULLETIN, April 2001, ZeBU QUIC);
- A workflow engine (System Administration);
- A web-application-transactional engine (ZeBU Solutions –AIMSuite Overview, HUB);
- and
- A business-rules engine (AIM Home Office- makes underwriting decisions).

27. As per claim 24, ZeBU teaches the system of claim 23 as described above. ZeBU further teaches the system wherein the web-application-transactional engine is adapted to send the plurality of data to, and receive the plurality of data from, at least one application associated with the web-based system (ZeBU Solutions –AIMSuite Overview, HUB is being used as prior art to anticipate this claim. The Examiner further notes that the system does not require the entire device to be “web-based” but merely have some amount of web-based presence.).

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28. As per claim 25 ZeBU teaches the system of claim 23 as described above. ZeBU further teaches the system wherein the data-translation engine is adapted to translate and format the plurality of data as the plurality of data is shared among the participants (ZeBU Solutions – AIMSuite Overview, QuickView.).

29. As per claim 26 ZeBU teaches the system of claim 25 as described above. ZeBU further teaches the system wherein the data-translation engine ensures that a receiving party can receive the plurality of data in a preferred format without manual transcribing (ZeBU Solutions – AIMSuite OverView, QuickView as evidenced by the ZeBulletin, November 2000, “AIM QV/ GA Integration is Here!”).

30. As per claim 27 ZeBU teaches the system of claim 23 as described above. ZeBU further teaches the system wherein the workflow engine implements a plurality of workflows comprising a plurality of tasks and subtasks executed in a predefined sequence (ZeBU Hub.)

31. As per claim 28 ZeBU teaches the system of claim 23 as described above. ZeBU further teaches the system wherein the plurality of workflows comprises at least one public workflow and at least one private workflow (ZeBU HUB).

32. As per claim 29, ZeBU teaches the system of claim 20 as described above. ZeBU further teaches the system further comprising a view-state database, the view-state database adapted to track a current state of the plurality of views (AIM or WEB QuickView).

33. As per claim 30, ZeBU teaches the system of claim 29 as described above. ZeBU, as understood, further teaches the system wherein the view-state database is adapted to remember the current state of the plurality of views upon log-off of the at least one user (AIM GA).

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34. As per claim 31, ZeBU teaches the system of claim 30 as described above. ZeBU further teaches the system wherein the view state database is further adapted to restore the current state of the plurality of views upon log-in of the at least one user (AIM QuickView. The Examiner notes that the display of data on a screen is similar to the creation of a report and therefore the information displayed is considered non-functional. The Examiner Notes that the statements following adapted to are considered the intended use and therefore have no patentable weight.).

***Claim Rejections - 35 USC § 103***

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. ***Claims 29 – 31*** are rejected under 35 U.S.C. 103(a) as being obvious over ZeBU Corporation software, herein referred to as ZeBU, in view of Zundel et al., U.S. Patent Number 6,618,851.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the

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application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C.

103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

37. As per claim 29, ZeBU teaches the system of claim 20 as described above.

In the event that ZeBU does not explicitly teach the system further comprising a view-state database, the view-state database adapted to track a current state of the plurality of views.

ZeBU further teaches the system further comprising a view-state database, the view-state database adapted to track a current state of the plurality of views (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into ZeBU. One of ordinary skill in the art at the time of the invention would have added this feature into ZeBU

- With the motivation to provide automatic support for reverting program memory states (Zundel Abstract).

38. As per claim 30, ZeBU in view of Zundel teaches the system of claim 29 as described above.

In the event that ZeBU does not explicitly teach the system wherein the view-state database is adapted to remember the current state of the plurality of views upon log-off of the at least one user.

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ZeBU, as understood, further teaches the system wherein the view-state database is adapted to remember the current state of the plurality of views upon log-off of the at least one user

(Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into ZeBU. One of ordinary skill in the art at the time of the invention would have added this feature into ZeBU

- With the motivation to provide automatic support for reverting program memory states (Zundel abstract).

39. As per claim 31, ZeBU in view of Zundel teaches the system of claim 30 as described above.

In the event that ZeBU does not explicitly teach the system wherein the view state database is further adapted to restore the current state of the plurality of views upon log-in of the at least one user.

Zundel further teaches the system wherein the view state database is further adapted to restore the current state of the plurality of views upon log-in of the at least one user (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into ZeBU. One of ordinary skill in the art at the time of the invention would have added this feature into ZeBU

- With the motivation to provide automatic support for reverting program memory states (Zundel Abstract).

***Response to Arguments***

40. Applicant's arguments, see 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejections, filed 12/10/2008, with respect to claims 7 – 16, 18, 19, 21, 22, 24 – 28, 30 and 31 have been fully considered and are persuasive. The 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejections of claims 7 – 16, 18, 19, 21, 22, 24 – 28, 30 and 31 has been withdrawn.

41. Applicant's arguments, see 35 U.S.C. 101 rejections, filed 12/10/2008, with respect to claims 7 – 19, 21, 22, 24 – 28, 30 and 31 have been fully considered and are persuasive. The 35 U.S.C. 101 paragraph rejections of claims 7 – 19, 21, 22, 24 – 28, 30 and 31 has been withdrawn.

42. Applicant's arguments filed 12/10/2008 have been fully considered but they are not persuasive.

- Regarding the public use or sale of the Applicant's product. The Examiner has made this rejection using the Applicant's own web site. The Applicant's response was to mention that the amended claims, adding structural components, made the Applicant's invention differ from the reference web site. The Examiner includes a second set of web pages from the Applicant's web sites to further support for this rejection. In addition, the Examiner brings in additional information from the Applicant's SEC filing.
  - Lastly, the Examiner notes that the web-based methodology and structure allows for a single web portal and the remaining software and hardware to be displayed using the proprietary structure alleged. However, if the Applicant should later amend the claimed invention to further define all the software modules and applications to be web based, not currently done, it would be a matter of design

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choice to change a software application from a proprietary system to an open system such as HTML and the Examiner will make that rejection when required.

- The Applicant states that "WEB Quickview is merely a tool within AIMSuite that 'provides a quick method to view pending data.' The claim requires that the Invention be "web-based" and the only functionality expressly defined as being web-based is "Sharing, via the web-based system, the plurality of data among the at least one participant." WEB Quickview allows for the sharing of data.
- The Applicant states that the Examiner has failed to show anticipation by relying "on the disclosure pertaining to at least two different pieces of software to reject claim 20 under Section 102 (rather than a single prior art reference.)" The Examiner uses the secondary piece of art to show that the structure not found within the primary art reference. The Examiner shows a second piece of art, again from the Applicant's own company's publications, that describes the structure the Applicant's invention uses.
  - The Examiner suggests that before making future amendments, the Applicant reviews all the Applicant's own in-use work. The Applicant's invention was appears operational more than one year before the effective filing date of the instant application. Additionally, if the Applicant continues to believe that his instant invention is novel and non-obvious, the Examiner suggests reviewing these potential amendments with guidance from recent US Supreme Court decisions and Court of Appeals for the Federal Circuit decisions.
- Regarding the Applicants, "With respect to claim 30, the feature following "adapted to" recites a characteristic of the view-state database and thus states a condition that is



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material to patentability.” Although the Examiner does not agree with the Applicant, the Examiner has provided an alternate rejection to help further prosecution.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. S./  
Examiner, Art Unit 3626  
1/27/2009

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626